

Mayor and City Council
City of Crystal River, Florida
123 Hwy 19
Crystal River, Florida 34428

January 7, 2019

Reference: Enhanced Manatee Protections Agenda Item 9B January 8, 2018 Council Meeting

For the Official Record

Honorable Mayor and City Council Members:

As the co-owner and President of Aardvark's Florida Kayak Company in Crystal River for the past two decades, I have watched and participated in the manatee tourism industry as a provider and guide. Prior to that I served as a Marine Mammal Specialist with the Florida DNR's Marine Research Institute in St. Petersburg, Florida where I performed field research on the Southwest Florida manatee population and then as an Aquatic Preserve Manager for NW Florida.

The industry here has evolved from a mom and pop model, showcasing an interesting species to a few thousand tourists to a much bigger business enterprise involving over 300, 000 visitors annually with a reported annual financial impact of over \$20 million. A 2004 study found that the benefits of manatee protection in Citrus County greatly exceeded the development benefits foregone by approximately \$8.2–\$9 million, primarily related to eco-tourism. Manatee tourism generates \$20- \$30 million dollars annually for Citrus County. That is worth protecting. It is not my intent to stop the swim programs as some may tell you, but to make it sustainable.

While, locally, the extremely aggressive behaviors described as kicking, poking, and prodding directed against manatees has been significantly reduced, it has not disappeared and the increasing numbers of visitors dictates that we have clear enforceable standards that apply to everyone. What we have today is unenforceable, ambiguous “recommendations” that are widely ignored. Many visitors who choose to have an unguided encounter are clueless and only some in the guided tour industry have embraced those recommendations. The USFWS has created ambiguity by recommending things they are not willing to enforce. One of those recommendations, and a key to this discussion, is “Practice Passive Observation and Observe from a Distance.” Instead this has been translated into what amounts to an unwritten enforcement threshold defining legality. USFWS **does not** further state “but if a manatee approaches you, you may touch it with one open hand.” That somehow has worked its way into local lore and serves as the basis for the misstatement that Citrus County is the only place it is legal to swim with manatees. The reality is that you can swim with manatees anywhere in the state, but you would likely be written a citation for harassment for many of the behaviors that are accepted here as “legal”.

Citrus County, the only place where it is “legal to swim with manatees”, has shown a disproportional increase in manatee mortality in recent years, especially from 2014 to 2015 and again from 2016 to 2017. From 2016 to 2017 manatee mortality from watercraft collisions more than doubled. While in 2017 perinatal (infant) mortality rose by a third, overall mortality in Citrus County rose to the highest level ever recorded , surpassing the record 21 manatee deaths in 2015.

It is easy to dismiss these number by saying that there are more manatees so there will be more manatee deaths. If that were true, the rate of increase in Citrus County would parallel that of statewide mortality. If we examine the chart derived from FWC Manatee Mortality Reports we see that this is not the case. While Citrus County's watercraft mortality more than doubled, the statewide number was static (i.e. no change from 2016 to 2017). Perinatal mortality was relatively the same statewide, with only a statistically insignificant increase, but Citrus County's jumped by a third. Statewide, total mortality increased only slightly yet Citrus saw a significant increase.

Year	2013		2014		2015		2016		*2017	
	Citrus Co.	Florida	Citrus Co.	Florida	Citrus Co.	Florida	Citrus Co.	Florida	Citrus Co.	Florida
Manatee Mortality										
Watercraft Mortality	4	73	4	69	3	86	3	106	7	106
Perinatal Mortality	4	129	2	100	7	91	6	113	9	116
Total Mortality	17	830	12	371	21	405	16	520	25	538

These numbers call into question the basic assumption that allowing people to swim with manatees somehow results in better protection. Some residents of Crystal River are responsible for manatees being stripped of the protections afforded by “endangered” status under the ESA, and the swim with manatees industry voiced almost no opposition. As the mortality statistics show, more manatees are dying here, not fewer.

If the manatee tourism industry is to be sustainable, these trends need to be reversed or they will be the basis for outside interests to challenge the USFWS and our tour industry. These are damning statistics and should be cause for concern.

The city has the opportunity to develop bay wide standards for manatee tourism. These standards need to applied equally regardless of whether the participants are commercial tour operators or private individuals. The standards need to eliminate the existing ambiguity between the USFWS and FWC recommendations. They must be clear and there must be a will to enforce them.

The USFWS has, over the years, danced around the issue. Their current recommendation is *observe from a distance and practice passive observation*. The FWC has been more succinct in stating look but don't touch, but has abdicated enforcement to USFWS. Some in the tour industry have moved beyond the petting zoo atmosphere, but others have not. Overall commercially guided tours produce better behavior than self guided tours. Bay wide standards would go a long way to leveling the playing field.



BEING NEAR MANATEES

- ***Look, but don't touch manatees.*** Also, don't feed manatees or give them water. If manatees become accustomed to being around people, they can alter their behavior in the wild, perhaps causing them to lose their natural fear of boats and humans, which may make them more susceptible to harm.

From FWC Based on the statistics, the warnings are coming true.

I have two particular issues that I would like to see addressed. The first is the issue of “No Touch” and the second is the use of manatee attractants.

In my opinion, “No Touch” is a less ambiguous and easily understood directive. It is possible and probable that manatees will come into contact with humans. The goal is to eliminate intentional touching which more often than not devolves into petting and scratching. This is the scenario that devalues the experience and prevent us from being a world class destination. Law Enforcement always has discretion as to enforcement thresholds. This behavior relates to the FWC statistics described earlier. Manatees who become accustomed to being around people may be more susceptible to harm. The statistics seem to bear this out.

Manatee are curious and tactile marine mammals. Like dogs, their natural behavior can be modified by providing a stimulus. In the case of manatees, the law specifically prohibits providing food or water and then lumps everything else together by talking about harassment as anything that changes their behavior. Does not rewarding a tactile animal like a manatee or dog with a scratch or pet when it approaches reinforce that behavior accomplish the same thing?

This leads us to the use of manatee attractants. Food and water are attractants and have been specifically prohibited. Ropes floated off boats generate the same response. Some in the industry excuse the ropes as “safety lines”. I have run dive operations in the Florida Keys and when using safety lines mine always had a float on the end. It is clearly the intent of most of those using ropes here to attract manatees to their boats for the purpose of entertaining their clients. This not only puts manatees in danger from the boats, but from potential entanglement as well. Many dive shops actually promote this activity through social media posts.

I was part of a group that helped develop a program called The Guardian Guides. The groups consisted of representatives of META and Save the Manatee. After months of discussions and multiple meetings, standards were developed that both side could agree to. Compromises were made on both side to come up with what I consider a very minimal set of guidelines. Disappointingly, only two local operations, Manatee Tour and Dive, and Manatees in Paradise have applied. It seems most of the industry will only meet a higher standard if there is a threat of enforcement.

The program consists of five key principles to which tour operators and their guides must adhere on all of their tours, in addition to abiding by all other local, state, and federal regulations. To qualify as Guardian Guides, operators/guides must:

- vary the times and locations of their tours to allow manatees to rest undisturbed. This may mean starting tours later in the day or ending them earlier in the day during colder winter months.

- only allow patrons in-water if they are wearing a wet suit and have an additional flotation device. Guests and guides must observe manatees passively, not reach out or touch them. Guests and their guides should also maintain a distance of at least one human body length away from manatees when visibility and conditions allow.
- accompany their guests in-water for all segments of the tour and have no more than 12 guests per guide.
- prevent over-crowding at viewing sites and help create a high-quality visitor experience while avoiding manatee disturbance.
- create stewardship among guests and operators/guides since protection of natural resources is a key component of ecotourism.

I don't think there is anyone out there that won't tell you that, at times, Kings Bay is too crowded and the numbers of people detract from the experience. In the light of our inability to limit the numbers of people viewing manatees, in order to insure that this vital industry is sustainable, we must minimize the disruption to manatees due to human behaviors. Since it won't happen voluntarily, and USFWS and FWC have not proved to be very effective at curbing bad behavior, it is up to the City of Crystal River.



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2017 Citrus County Manatee Morality Highest on Record at 25 with watercraft deaths doubled and perinatal deaths up by a third.

Thank You and Please Act Now to Enhance Manatee Protection in King's Bay

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